

RESOLUTION NO. 13-142

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE RELOCATION OF A DESIGNATED "PROTECTED TREE".

WHEREAS, the City Commission adopted Resolution No. 87-318 on December 15, 1987 declaring one Samanea Saman (African Rain Tree) as a "protected tree"; and

WHEREAS, pursuant to Section 47-21.12.C.4, a "protected tree" shall not be removed unless such removal has been approved by resolution of the City Commission; and

WHEREAS, at its public meeting of August 20, 2013, the City Commission considered expert testimony, evidence and public comment regarding the relocation of the protected tree and have determined that the tree can be relocated without damaging the tree;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That the City Commission authorizes the removal and relocation of the "protected tree" designated and identified in Resolution No. 87-318, from the south side of the New River between Southwest 4<sup>th</sup> Avenue and Southwest 5<sup>th</sup> Avenue to a proposed public plaza/park space on the northeast corner of Southwest 3<sup>rd</sup> Avenue and Southwest 5<sup>th</sup> Street, subject to all of the conditions set forth below:

1. The applicant must provide the City with a five-year warranty period on the survival of the tree, subject to a \$1,000,000 bond provided by the applicant. Bond is payable to City of Fort Lauderdale, proceeds of which shall be used for the purchase of trees for the City.

2. The applicant must provide a preparation and relocation period of at least nine (9) months between root pruning and tree relocation.

3. If for any reason Environmental Design Inc. is no longer the contractor relocating the Rain Tree; the developer shall contract services of another tree relocating company of equal or greater expertise and as approved by the City Arborist.

4. An International Society of Arboriculture (ISA) Certified Arborist shall be on-site any time work is done relative to the Rain Tree. Prior to conducting any work applicant shall notify City Forester.

5. Upon relocation, the applicant is solely responsible for the long-term health and maintenance of the tree, including but not limited to pruning, trimming and watering. Any pruning and maintenance of the Rain Tree shall be performed by an ISA Certified Arborist. Prior to conducting any work applicant shall notify City Forester.

6. The applicant shall obtain a permit to relocate the tree as specified in the Environmental Design Inc. Relocation Plan, pursuant to ULDR Section 47-21.12, Tree Preservation, and as approved by the City Arborist.

7. The existing soil at which the protected tree is located at the south side of the New River between Southwest 4<sup>th</sup> Avenue and Southwest 5<sup>th</sup> Avenue will be relocated to the northeast corner of Southwest 3<sup>rd</sup> Avenue and Southwest 5<sup>th</sup> Street must be moved to the new location with the protected tree and is to be used as the soil in which the protected tree will be planted.

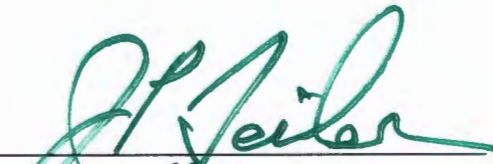
8. No more than ten percent (10%) of the crown of the protected tree will be pruned to facilitate its relocation.

9. Applicant shall have the right to protect the protected tree through minimally invasive means, subject to the approval of City staff, for the duration of the bond as provided in Paragraph 1, above.

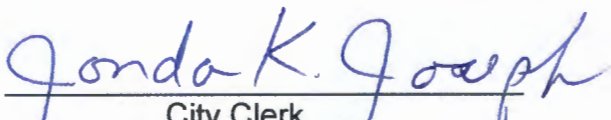
SECTION 2. The conditions contain in herein are intended to memorialize the conditions expressed in the record of the hearings at which the application for the development permit was reviewed. In the event that the record of the proceedings contradicts or contains additional conditions not reflected in this instrument, the conditions as expressed on the record of the proceeding shall prevail and are incorporated herein.

SECTION 3. That this Resolution shall take effect immediately upon its adoption.

ADOPTED this the 20th day of August, 2013.

  
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Mayor  
JOHN P. "JACK" SEILER

ATTEST:

  
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City Clerk  
JONDA K. JOSEPH

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